



MILPITAS PLANNING COMMISSION STAFF REPORT

March 9, 2016

APPLICATION:

1256 PIPER DRIVE (PIPER DRIVE RESIDENTIAL) – Site Development Permit No. SD-14-0025, Conditional Use Permit No. UP-15-0003, and Major Tentative Map No. MT-14-0006 –

Request for a Site Development Permit, a Conditional Use Permit, and a Major Vesting Tentative Map for the construction of a 12-story residential tower containing 210 apartments and 2,937 square feet of commercial space, and for 98 townhome units, and associated site improvements.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt Resolution No. 16-008 recommending approval of Site Development Permit No. SD-14-0025, Conditional Use Permit No. UP-15-0003, and Major Tentative Map No. MT-14-0006 to the City Council, subject to the attached Conditions of Approval.

LOCATION:

Address/APN:

1256-1280, 1310-1346 Piper Drive (APN 086-32-042, -043)

Area of City:

Transit Area Specific Plan (TASP)

PEOPLE:

Project Applicant:

Erika Salum, KB Home, Bay Area Division

Consultant(s):

Carlson, Barbee & Gibson, Inc., Civil Engineer

Barry Swenson Builder Architectural

SDG Architects, Inc.

R3 Studios, Inc., Landscape Architect

Property Owner:

Green Valley Corporation

Project Planner:

Richard E. Patenaude, AICP, Contract Planner

LAND USE:

General Plan Designation: Multi-Family Residential Very High Density (VHD)

Zoning District: Multi-Family Residential Very High Density (R-4)

Overlay District: Transit Oriented Development (TOD) and Site and Architectural Overlay (S)

Specific Plan: Transit Area Specific Plan (TASP)

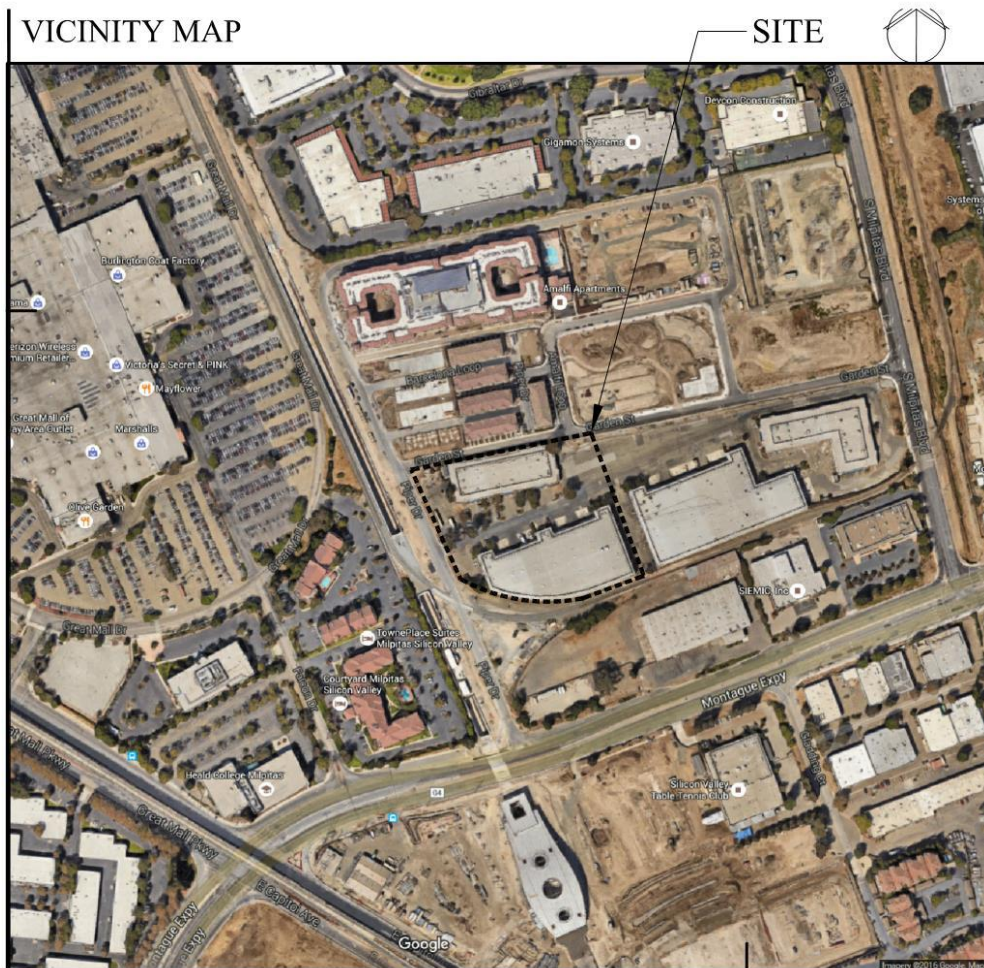
Site Area: 5.72 acres

ENVIRONMENTAL: Categorically exempt from further environmental review pursuant to Section 15168(c)(2) of the California Environmental Quality Act (CEQA). This project is consistent with the program addressed by the Transit Area Specific Plan EIR (State Clearinghouse No. 2006032091).

EXECUTIVE SUMMARY

The proposed project includes entitlement requests for the construction of a 12-story residential tower containing 210 apartments and 2,937 square feet of commercial space, and for 98 townhome units. Parking would be provided onsite with the inclusion of 264 automobile and 66 bicycle parking spaces on four levels in the residential tower, and two covered, attached parking spaces per townhouse unit, as well as 36 uncovered automobile and 9 bicycle guest parking spaces. The project also includes a variety of site improvements including new private driveways within the development; streetscape and landscape improvements along Piper Drive and Garden Street; and stormwater treatment, utility, grading and other associated site improvements. The project requires approval of a Site Development Permit, a Conditional Use Permit, and a Major Vesting Tentative Map.

Map 1 Project Location



Map 2
Transit Area Specific Plan
Piper/Montague Subdistrict



Map 3
Site Plan



BACKGROUND

History

On June 3, 2008, the City Council adopted the Transit Area Specific Plan. The Plan encompasses 437 acres and envisions the development of 7,109 dwelling units, 287,075 square feet of retail space, 993,843 square feet of office and industrial park space, and 350 hotel rooms. The plan includes development standards, goals and policies guiding development within the plan area. Because of the physical characteristics of the area, including major streets, railroads and creeks, the plan also established sub-districts with specific goals and policies to accommodate those unique characteristics.

The proposed project is within the Piper/Montague Sub-District of the Transit Area Specific Plan. The sub-district is located near the future BART station and the Great Mall, although separated from the remainder of the Specific Plan area by Montague Expressway and rail tracks. For the sub-district, the Plan envisions high-density residential neighborhoods near transit and shopping. In addition, the plan proposed two smaller urban parks for the sub-district (later amended to a single, larger park, now under construction), a public street (Garden Street) to connect Piper Drive and Milpitas Boulevard, and a street to link Garden Street and Montague Expressway.

The Application

The following is a summary of the applicant's request:

- *Site Development Permit:* To evaluate the site layout and architecture for the project.
- *Major Vesting Tentative Map:* To establish one parcel for a residential tower containing 210 apartments and 2,937 square feet of commercial space, 13 parcels to accommodate 98 townhome units, and five lots for common area, including private driveways and recreational open space.
- *Conditional Use Permit:* To allow the use of tandem parking within the residential apartment tower and the townhome private garages.

PROJECT DESCRIPTION

Overview

The proposed project includes entitlement requests for the construction of a residential tower containing 210 apartments and 2,937 square feet of commercial space, and 98 townhome units. Parking would be provided onsite with the inclusion of 264 automobile and 66 bicycle parking spaces on four levels in the residential tower, and two covered, attached parking spaces per townhouse unit, as well as 36 uncovered automobile and 9 bicycle guest parking spaces. The project also includes a variety of site improvements including new private drives within the development; streetscape and landscape improvements along Piper Drive and Garden Street; and stormwater treatment, utility, grading and other associated site improvements.

Location and Context

The site contains 5.72 acres and is located northeasterly of the intersection of Montague Expressway and Piper Drive. The project site is zoned Very High Density Residential (R4). The

project site has Site and Architectural (-S) and Transit Oriented Development (-TOD) Overlays focusing on design and treatment of projects near transit nodes. The site is currently developed with industrial buildings, which would be demolished to accommodate the proposed project. Surrounding the subject property are developed and currently-developing parcels. To the north, the Amalfi (378 apartments) and Palazzo (94 townhomes) projects are under construction; the Siena (Amalfi II) project (73 townhomes) was approved by the City Council on December 15, 2015. To the east are industrial buildings similar to those on the project site, but slated for transit-oriented development. To the south is the Union Pacific spur track; vacant industrial parcels lie between the spur track and Montague Expressway. Piper Drive, the future BART line and the Great Mall are located westerly of the site.

PROJECT ANALYSIS

General Plan and Zoning Conformance

General Plan Conformance

The table below outlines the project's consistency with applicable General Plan Guiding Principles and Implementing Policies:

Table 4
General Plan Consistency

Policy	Consistency Finding
<i>2.a.1.25: Require development in the Transit Area to conform to the adopted design guidelines and requirements contained in the Transit Area Plan.</i>	Consistent. The project as proposed and conditioned conforms to the street layout, street sections, density and land use.

Zoning Conformance

The site contains 5.72 acres zoned Very High Density Multi-Family Residential-Transit Oriented Development (R4-TOD) (41 min/60 max units per acre). The project is consistent with the City's Zoning Map as set forth in the attached Resolution #16-008. Other development standards, including density, are described in the Transit Area Specific Plan section below.

Subdivision Ordinance

The project is consistent with the provisions in Title XI, Chapter 1, Section 4, Tentative Maps of the City's Municipal Code regarding the form, content and dedications of the tract map as set forth in the attached Resolution #16-008. Tentative Tract Maps require a recommendation from the Planning Commission in the form of a resolution to the City Council for their ultimate approval.

Transit Area Specific Plan

The proposed project's land use, street layout and street sections are consistent with the Transit Area Specific Plan's Piper-Montague sub-district as set forth in the attached Resolution #16-008.

Development Standards

The table below demonstrates how the project is consistent with the development standards of the Multi-Family Residential High-Density (MFH) zoning district.

Table 1:
Summary of Development Standards

R-4-TOD	Standard	Proposed	Complies?
<u>Setbacks (Minimum)</u> Piper Drive Garden Street	21' 10'	21' 10'	Yes Yes
<u>Density (Units/Acre)</u>	41-60 du/ac	54 du/ac	Yes
<u>Building Height (Maximum)</u>	12 stories (w/ Piper Drive frontage) / 75 feet elsewhere	12 stories along Piper Drive / 35'9" elsewhere (townhomes)	Yes

Site & Architectural Design

The property lies within a Site and Architectural Overlay as a part of its land use designation, and development therein is governed by Section 57.03, Site Development and Minor Site Development Permits, of the City's Zoning Ordinance. The Site Development Permit considers the site layout, compliance with various development standards and the architectural design of the buildings.

Site Layout

The project site is accessible from Piper Drive, an existing north-south street, as well as South Milpitas Boulevard via Garden Street. New private drives will provide access to the townhomes from both Piper Drive and Garden Street. Garages will be accessed from the private drives within the project, allowing the project to present front building facades to the adjacent public streets.

Street Setbacks

The Transit Area Specific Plan (TASP) includes specific design criteria for existing and new streets within the development, which include the width of the street, width of sidewalks, parking lane dimensions, street trees, landscaping and minimum setbacks to the buildings from the back of the sidewalk or curb. The tower and townhome setbacks, as proposed, conform to the street section dimensions.

Height

The maximum building height in the zone is 75 feet, except that buildings fronting Piper Drive may be a height of 12 stories. The tower structure is proposed at the maximum height of 12 stories (ranging from 135' to 145'). The project proposes a height of 35'9" for the townhome buildings.

Block Dimension

The Transit Area Specific Plan indicates a 500-foot maximum distance between publicly accessible paths of travel for a block. The widest building within this proposed development would be approximately 250 feet long, and convenient pedestrian connections between the buildings to both Piper Drive and Garden Street will be required as conditions of approval.

Architecture and Massing

The project presents a contemporary, international style using architectural, metal and glass panels with metal detailing. Variations in the building planes, inset windows, and protruding balconies provide architectural interest and avoid a boxy appearance. The project substantially conforms to the Midtown/Transit Area design guidelines, which require a vertical orientation of commercial and residential uses, orientation of buildings to the street, well-articulated exterior walls with consistent style and materials, and muted colors for primary building walls with richer accent colors.

Floor plans

The tower building provides a variety of apartment sizes: 120 studios (533-737 sq.ft.); 45 1-bedroom/1-bath units (752-1,003 sq.ft.); nine 2-bedroom/2-bath units (708-803 sq.ft.); and 36 2-bedroom/2-bath units (1,114-1,496 sq.ft.). The townhomes include 52 2-bedroom/2-bath units (1191-1392 sq.ft.); 20 3-bedroom/2.5-bath units (1665 sq.ft.); and 26 3-bedroom/2-bath/2-half-bath units (1743 sq.ft.)

Density

On all sites throughout the Transit Area, TASP Policy 3.8 provides that densities can be averaged over an individual project that covers multiple parcels, so long as their average density falls between the designated minimum and maximum. The underlying zoning for this project allows for a range of 235 to 343 dwelling units (41-60 units/acre). The project would provide 210 apartments in the tower building, along with 98 townhomes, nearly 54 dwelling units per acre, at the upper end of the density range.

Landscaping & Open Space Design

Landscaping and Lighting

The project provides a combination of soft and hardscape in both public and private areas. See Sheet L-1 of the plans for the illustrative landscape plan. Private areas include paseos, the private interior streets, and a variety of landscape and bio-detention features. The applicant is required to submit a lighting plan, including a photometric study, with the building permit application.

Parking

Automobile Parking

Table 3 demonstrates the project's compliance with the parking standards for the zoning district.

Table 3
Project Compliance with Parking

	Number of Units	Minimum Parking Required (including retail)	Spaces Provided
Tower	210	262	264
Townhomes	98	188	232
<i>Total required</i>			<i>450</i>
<i>Total provided</i>			<i>496</i>

The two parking spaces within each private garage provide the maximum-allowable residential parking for each townhome. Tandem parking represents fifty percent of the required residential parking, which meets the maximum allowed. Tandem parking can be considered through the approval of the Conditional Use Permit. The required guest parking spaces are provided at various places along Drive Aisles A and C, circling the townhomes.

Bicycle Parking

For residential uses within the Transit Area Specific Plan area, bicycle parking is required to be provided at a rate of one space for every four housing units – exempting units that have a private garage. Since the townhomes include private garages, no separate bicycle parking is required; the tower apartments require 53 spaces.

For guests, the TASP requires short-term bicycle parking spaces equivalent to 5% of the automobile spaces required. The project would thus be required to accommodate 13 short-term bicycle spaces for the tower, and nine spaces for the townhomes. The tower provides for 66 resident and guest bicycle parking spaces; the townhomes will provide nine. A condition of approval requires the short-term (guest) spaces to be located and provided for during building permit plan review.

Tract Map

The project proposes a vesting tentative map, creating 14 lots, one for the tower and 13 for each row of townhouse units. Seven lots accommodate the internal driveways and common open space. Off-site improvements include the Piper Drive and Garden Street improvements and related landscaping.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit (Section XI-10-57-03-1(F)) / Major Tentative Map (Section XI-1-20.01)

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project is consistent with this finding because the project is consistent in density and design with the Transit Area Specific Plan approved by the City Council June 2008, and amended December 2011, inasmuch as the project provides close to the desired maximum density and respects the layout and circulation aspects of the Piper/Montague subdistrict.

- 2. The project is consistent with the Milpitas Zoning Ordinance.*

The Project site is zoned R-4 (Multiple-Family Very-High-Density) with a Transit-Oriented Development (TOD) Overlay. The proposed residential uses, and neighborhood commercial uses, are permitted in the zoning district. The Project also conforms to the TOD Overlay by providing density of nearly 54 units per acre, which is within the 41-60 units/acre range envisioned by the TOD Overlay when combined with the R-4 Zoning District. The twelve-story height of the tower building is at the maximum permitted for properties with Piper Drive frontage, and the approximately 36-foot height of the townhome buildings is within the 75-foot height allowed by the standards of the TOD Overlay.

- 3. The project is consistent with the Milpitas General Plan.*

The project site has a General Plan land use designation of Multi-Family Very-High-Density. The intent of this designation is to provide high-density housing within the Piper/Montague Subdistrict at a minimum density range of 21 units per acre, and a maximum density of 60 units per acre. The Project is consistent with the Milpitas General Plan because the proposed Project meets the intent of the designation by providing a residential project within the district with 54 dwelling units per acre. Furthermore, the project is consistent with the following General Plan Guiding Principle and Implementing Policies:

- ***2.a 1-31 Develop the Transit area, as shown on the Transit Area Plan, as attractive, high density, urban neighborhoods with a mix of land uses around the light rail stations and the future BART station. Create pedestrian connections so that residents, visitors, and workers will walk, bike, and take transit. Design streets and public spaces to create a lively and attractive street character, and a distinctive identity for each sub-district.***

The proposed Project is consistent with this policy because it includes an attractive contemporary 12-story tower building with 210 residential units, and 98 similarly-designed townhome units, in proximity to the future Milpitas BART Station. The Project also includes significant streetscape improvements enabling and encouraging pedestrian and bicycle movement throughout the Piper/Montague Subdistrict with connections to the BART and Light Rail transportation hubs. The project is also designed to provide an active interface with public spaces by facing townhome units toward the project perimeter.

- ***2.a 1-32 Require development in the Transit area to conform to the adopted design guidelines/requirements contained in the Transit Area Plan.***

The proposed Project is consistent with this policy because it has been designed per the adopted design guidelines/requirements contained in the Transit Area Plan. The project meets all guidelines and requirements of the Transit Area Plan including building setbacks and height, floor area ratio and density, parking, open space and landscaping. It also meets the requirements for access and circulation.

4. The project is consistent with the Transit Area Specific Plan.

The project is consistent with this finding because the proposed project's land use and street layout are consistent with the Plan's Piper-Montague subdistrict.

Conditional Use Permit (Section XI-10-57-04(F))

- 1. The proposed use, at the proposed location, will not be detrimental or injurious to property or improvements in the vicinity nor to the public health, safety and general welfare.***

The project is consistent with this finding because the tandem parking does not impact the general public outside of the project, and allows the project type to be of an appropriate density within the TASP subdistrict.

- 2. The project is consistent with the Milpitas Zoning Ordinance.***

The use of tandem parking is permitted by the Zoning Ordinance, subject to a Conditional Use Permit in order to analyze potential impacts to the public.

- 3. The project is consistent with the Milpitas General Plan.***

The use of tandem parking, in this instance, allows the development of this project to meet General Plan Land Use criteria.

4. The project is consistent with the Transit Area Specific Plan.

The project is consistent with this finding because the use of tandem parking, in this instance, allows its development to be consistent with the Plan's Piper-Montague subdistrict. The Transit Area Specific Plan allows the use of tandem parking with a conditional use permit issued pursuant to Section XI-10-53 of the Milpitas Municipal Code (see Transit Area Specific Plan Table 5-1, page 5-52). The parking configuration allows for an appropriate density in a transit area, and for a design that allows the parking to be out-of-view of the surrounding streets, public benefits not otherwise obtainable for the housing type through the strict application of the zoning standard.

ENVIRONMENTAL REVIEW

The Planning Division conducted an initial environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). Given that (1) this project proposes no substantial changes from the project studied in the 2008 TASP EIR (as adopted June 3, 2008 by the City Council [State Clearinghouse No. 2006032091]) that will require major revisions to the TASP EIR due to new significant environmental effects or a substantial increase in the severity of previously identified effects, (2) there have been no substantial changes in circumstances under which the project is to be undertaken that will require revisions to the TASP EIR due to a new significant environmental effect or a substantial increase in the severity of previously identified effects, and (3) there is no specified new information of substantial importance to the project that has become available, the Planning Commission recommends the City Council find that the proposed Project will not have additional environmental impacts beyond those identified in the EIR, no additional environmental review is required, and no new or additional mitigation measures are required).

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on February 25, 2016. Notices were sent to owners and occupants within 1,000 feet of the project site. A public notice was also provided on the project site, on the City's Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CITY COUNCIL REVIEW

This project requires review by the City Council and is tentatively scheduled on its April 5, 2016 agenda.

CONCLUSION

The proposed project is substantially consistent with the Transit Area Specific Plan in terms of land use and density, and conforms to the previously-approved street layout. The project provides a new contemporary product type providing variety along with the traditional styles under construction within the Piper-Montague subdistrict.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close the Public Hearing
2. Adopt Resolution No. 16-008 recommending approval of Site Development Permit No. SD-14-0025, Conditional Use Permit No. UP-15-0003, and Major Tentative Map No. TM-14-0006 to the City Council, subject to the attached Conditions of Approval

ATTACHMENTS

A: Resolution No. 16-008/COAs

B: Project Plans